



## **PLANNING COMMISSION AGENDA**

**Wednesday, April 25, 2007**

***5:00 p.m. STUDY SESSION***

*Level of Service Policy*

*Room # T-332*

**6:30 p.m. General Plan & Regular Meeting**

**Council Chambers**

City Hall Wing

200 East Santa Clara Street  
San Jose, California

**Xavier Campos, Chair**

**James Zito, Vice-Chair**

**Christopher Platten**

**Bob Dhillon**

**Ash Kalra**

**Matt Kamkar**

**Lisa Jensen**

**Joseph Horwedel, Director**  
**Planning, Building and Code Enforcement**

## NOTE

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, we ask that you call (408) 535-7800 (VOICE) or (408) 998-5299 (TTY) at least two business days before the meeting. If you requested such an accommodation please identify yourself to the technician seated at the staff table. If you did not call in advance and do now need assistance, please see the technician.

## **NOTICE TO THE PUBLIC**

Good evening, my name is **Xavier Campos** and I am the Chair of the Planning Commission. On behalf of the entire Planning Commission, I would like to welcome you to the Planning Commission Public Hearing of ***Wednesday, April 25, 2007***. Please remember to turn off your cell phones and pagers. Parking ticket validation machines for the garage under City Hall are located at the rear of the Chambers. If you want to address the Commission, **fill out a speaker card (located on the table by the door, on the parking validation table at the back, and at the bottom of the stairs near the Audio-Visual Technician. Deposit the completed card in the basket near the Planning Technician. Please include the agenda item number (not the file number) for reference. Example: 4a, not PD06-023.**

The procedure for this hearing is as follows:

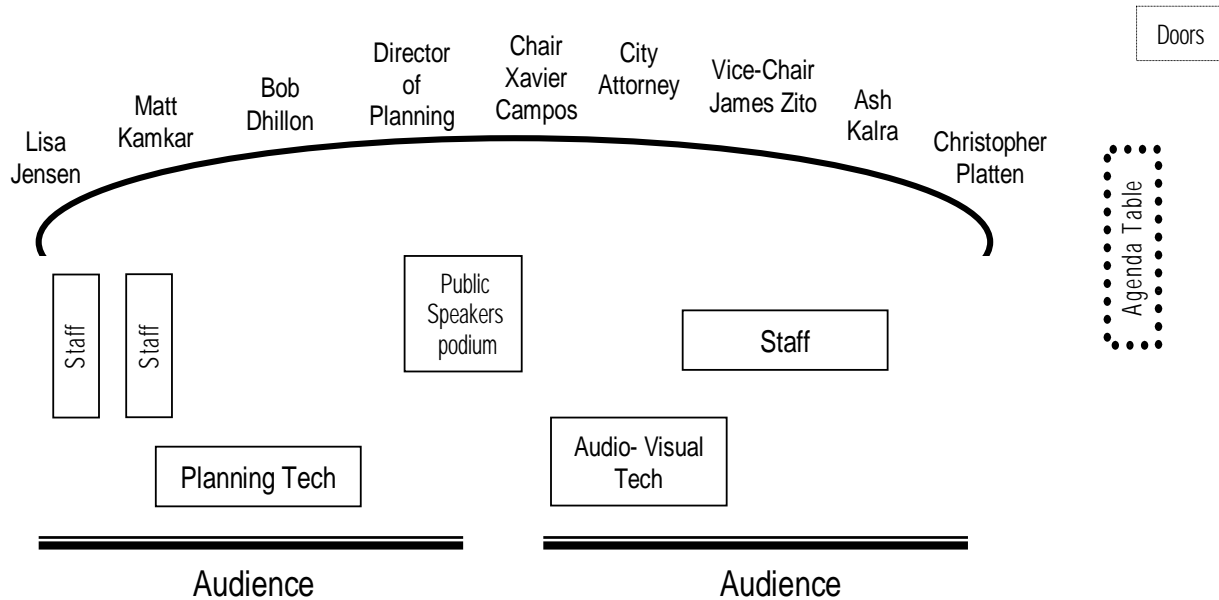
- After the staff report, applicants and appellants may make a 5-minute presentation.
- The chair will call out names on the submitted speaker cards in the order received.
- As your name is called, line up in front of the microphone at the front of the Chamber. Each speaker will have two minutes.
- After the public testimony, the applicant and appellant may make closing remarks for an additional five minutes.
- Planning Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
- The public hearing will then be closed and the Planning Commission will take action on the item. The Planning Commission may request staff to respond to the public testimony, ask staff questions, and discuss the item.

**If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.**

**The Planning Commission's action on rezoning, prezonings, General Plan Amendments and Code Amendments is advisory only to the City Council. The City Council will hold public hearings on these items.** Section 20.120.400 of the Municipal Code provides the procedures for legal protests to the City Council on rezonings and prezonings. The Planning Commission's action on Conditional Use Permit's is appealable to the City Council in accordance with Section 20.100.220 of the Municipal Code. Agendas and a binder of all staff reports have been placed on the table near the door for your convenience.

**Note:** If you have any agenda questions, please contact Olga Guzman at [olga.guzman@sanjoseca.gov](mailto:olga.guzman@sanjoseca.gov)

The Planning Commission is a seven member body, appointed by the City Council, which makes recommendations to the City Council regarding the adoption, amendment, or repeal of general or specific plans, and regulation of the future physical land use development, redevelopment, rehabilitation or renewal of the City, including its Capital Improvement Programs. The recommendations to the Council regarding land use development regulations include, but are not limited to, zoning and subdivision recommendations. The Commission may make the ultimate decision on Conditional Use Permits, and acts as an appellate body for those persons dissatisfied with the Planning Director's decisions on land use and development matters. The Commission certifies the adequacy of Environmental Impact Reports.



The San Jose Planning Commission generally meets every 2<sup>nd</sup> and 4<sup>th</sup> Wednesday at 6:30 p.m., unless otherwise noted. Agendas and Staff Reports for Planning Commission items may be viewed on the Internet at [www.sanjoseca.gov/planning/hearings/planning\\_com.asp](http://www.sanjoseca.gov/planning/hearings/planning_com.asp).

Audio for the Planning Commission hearings are recorded and broadcast live. To listen to live audio broadcast or to listen to past hearing recordings go to the Internet website:

[http://sanjose.granicus.com/ViewPublisher.php?view\\_id=17#planningCommission](http://sanjose.granicus.com/ViewPublisher.php?view_id=17#planningCommission).

If you have any questions, please direct them to the Planning staff at (408) 535-7800. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

**AGENDA**  
**ORDER OF BUSINESS**

**1. ROLL CALL**

**2. DEFERRALS**

Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral. A list of staff-recommended deferrals is available on the Press Table.

Staff will provide an update on the items for which deferral is being requested. If you want to change any of the deferral dates recommended, or speak to the question of deferring these or any other items, you should say so at this time.

- a. The projects being considered are located on an approximately 53-acre site bounded by Forest Avenue to the north, Stevens Creek Boulevard to the south, Winchester Boulevard and City of Santa Clara to the east, and Interstate 880 to the west. Council District: 6. SNI: None. CEQA: EIR Resolution to be adopted.

- 1. **GP06-T-04**. GENERAL PLAN TEXT AMENDMENT request to amend the San Jose 2020 General Plan text to increase the maximum allowable building height from 50 feet to 65 feet at Valley Fair Shopping Mall (Valley Fair Mall, LLC, Applicant/Westfield Corporation, Owner). Council District: 6. SNI: None. CEQA: EIR Resolution to be adopted.

**DEFER TO 5-2-07**

- b. **GP06-T-01**. GENERAL PLAN TEXT AMENDMENT request to amend the *San Jose 2020 General Plan* text to increase the maximum allowable building height from 150 feet to 220 feet above ground level on an approximately 6.08-acre site located at the southeasterly corner of Airport Parkway and Old Bayshore Highway and amend the text of the Rincon South Specific Plan as it relates to the North San Jose Area Development Policy (Foster Enterprises, Owner/Applicant). Council District: 3. SNI: None. CEQA: Environmental Impact Report Resolution No. 72768, and Addenda hereto, File No. GP06-T-01.

**DEFER TO 5-2-07**

- c. Consideration of Planning Commission Agenda management and length of public hearing concerns and determination on whether to proceed with remaining agenda items past 11:00 p.m., continue this hearing to a later date certain, or defer remaining items to the next regularly scheduled Planning Commission meeting date.

**TO BE HEARD BY THE PLANNING COMMISSION NO LATER THAN 11:00 P.M.**

### 3. CONSENT CALENDAR

#### NOTICE TO THE PUBLIC

**The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Planning Commission, staff, or the public to have an item removed from the consent calendar and considered separately.**

**Staff will provide an update on the consent calendar. If you wish to speak on one of these items individually, please come to the podium at this time.**

- a. [CP06-075](#). Conditional Use Permit to allow off-sale of alcoholic beverages at an existing supermarket in the CN Commercial Neighborhood Zoning District, located 350 ft southeast of Tuers Rd and 550 ft Northwest of E Capitol Expressway (1031 E CAPITOL EX) (Namimatsu Kenneth T. Owner). Council District 7. SNI: None. CEQA: Exempt.

**Staff Recommendation:**

Approve a Conditional Use Permit to allow off-sale of alcoholic beverages at an existing supermarket in the CN Commercial Neighborhood Zoning District as recommended by Staff.

- b. [CP07-011](#). Conditional Use Permit to allow a drinking establishment with late night use from 12:00 midnight until 2:00 a.m. at an existing commercial building on a 0.03 gross acre site in the DC Downtown Primary Commercial Zoning District, located on the north side of Post Street, approximately 160 feet westerly of South 1st Street (39 POST ST) (Chandler-Croll, Gail and Croll, John, Owners). Council District 3. SNI: None. CEQA: Exempt.

**Staff Recommendation:**

Approve a Conditional Use Permit to allow a drinking establishment with late night use from 12:00 midnight until 2:00 a.m. at an existing commercial building as recommended by Staff.

- c. [PDC06-118](#). Planned Development Rezoning from R-1-8 Single Family Residence Zoning District to A(PD) Planned Development Zoning District requesting to subdivide one lot with an existing single-family detached residence into two lots. The existing residence would remain and a new two-story single-family detached residence would be constructed on the new lot facing Carmel Drive on a 0.24 gross acre site, located on the north side of Willow Glen Way, approximately 450 feet west of Padres Creek Drive (701 Willow Glen Way) (Lafountain Avril E, Owner). Council District 6. SNI: None. CEQA: Exempt.

**Staff Recommendation:**

Recommend to the City Council approval of a Planned Development Rezoning from R-1-8 Single Family Residence Zoning District to A(PD) Planned Development Zoning District as recommended by Staff.

- d. [PDC06-119](#). Planned Development Rezoning from LI Light Industrial Zoning District to A(PD) Planned Development Zoning District to allow construction of approximately 54,200 square feet in three, one- and two-story buildings for office and retail commercial uses as well as various industrial uses on a 3.62 gross acre site, located at/on the east side of Senter Road, approximately 550 feet northerly of Quinn Avenue (2222 SENTER RD) (ELS Properties Corp, Owner; Green Valley Corporation/Barry Swensen Builder, Aaron Barger, Developer). Council District 7. SNI: Tully/Senter. CEQA: Mitigated Negative Declaration. Deferred from 4-11-07.

**Staff Recommendation:**

Consider the Mitigated Negative Declaration in accordance with CEQA.  
Recommend to the City Council approval of a Planned Development Rezoning from LI Light Industrial Zoning District to A(PD) Planned Development Zoning District as recommended by Staff.

- e. [PDC06-027](#). Planned Development Rezoning from R-1-8 Residence Zoning District to A(PD) Planned Development Zoning District to allow up to five single-family detached residences on a 1.15 gross acre site, located on the east side of Taft Drive, approximately 200 feet northerly of Blossom Valley Drive (5410 TAFT DR) (Masoumi Brothers Llc, Owner; Masud Maesumi, Developer). Council District 9. SNI: None. CEQA: Mitigated Negative Declaration.

**Staff Recommendation:**

Consider the Mitigated Negative Declaration in accordance with CEQA.  
Recommend to the City Council approval of a Planned Development Rezoning from R-1-8 Residence Zoning District to A(PD) Planned Development Zoning District to allow up to five single-family detached residences as recommended by Staff.

- f. [CP06-043](#). Conditional Use Permit to allow an indoor recreation (cheerleading) use in a 10,775 sq ft facility on a 0.66 gross acre site in the IP Industrial Park Zoning District, located at the Southwest corner of Atteberry Ln & Seareel Ln (1460 ATTEBERRY LN)(Brix Harry G And Mariann Trustee, Owner). Council District 4. SNI: None. CEQA: Exempt.

**Staff Recommendation:**

Approve a Conditional Use Permit to allow an indoor recreation (cheerleading) use in a 10,775 sq ft facility as recommended by Staff.

- g. [CP06-057](#). Conditional Use Permit to allow a 4,243 square foot of religious assembly use in an existing 43,500 square feet warehouse/office building on a 2.93 gross acres site, in the IP Industrial Park Zoning District, located at the southeast terminus of Harris Way (2340 HARRIS WY) (Jarrett San Jose Llc John Jarrett, Owner). Council District 4. SNI: None. CEQA: Exempt.

**Staff Recommendation:**

Approve a Conditional Use Permit to allow a 4,243 square foot of religious assembly use in an existing 43,500 square feet warehouse/office building as recommended by Staff.

4. **OPEN PLANNING COMMISSION MAY 2007 HEARING ON GENERAL PLAN AMENDMENTS**

5. **GENERAL PLAN CONSENT CALENDAR**

**NOTICE TO THE PUBLIC**

**The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Planning Commission, staff, or the public to have an item removed from the consent calendar and considered separately.**

**Staff will provide an update on the consent calendar. If you wish to speak on one of these items individually, please come to the podium at this time.**

- a. **GP06-06-02**. GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Medium Low Density Residential (8 DU/AC) to General Commercial on an approximately 0.4-acre site located on the northeast corner of Winchester Boulevard and Williams Road (960 and 990 Winchester Boulevard) (Ronnie Berry, Owner/Applicant). Council District: 6. SNI: Winchester. CEQA: Mitigated Negative Declaration.

**Staff Recommendation:**

Consider the Negative Declaration in compliance with CEQA. Recommend to the City Council approval of a General Plan Amendment request to change the Land Use/Transportation Diagram designation to General Commercial on a 0.4-acre site.

6. **GENERAL PLAN PUBLIC HEARING CALENDAR**

NONE

7. **CONTINUE THE PLANNING COMMISSION HEARING FOR THE MAY 2007 GENERAL PLAN AMENDMENTS TO MAY 2, 2007**

The following items are considered individually.

8. **PUBLIC HEARINGS**

**NOTICE TO THE PUBLIC**

**Generally, the Public Hearing items are considered by the Planning Commission in the order in which they appear on the agenda. However, please be advised that the Commission may take items out of order to facilitate the agenda, such as to accommodate significant public testimony, or may defer discussion of items to later agendas for public hearing time management purposes.**

- a. The projects being considered are located on an approximately 53-acre site bounded by Forest Avenue to the north, Stevens Creek Boulevard to the south, Winchester Boulevard and City of Santa Clara to the east, and Interstate 880 to the west. Council District: 6. SNI: None. CEQA: EIR Resolution to be adopted.
1. **Certification of Final Environmental Impact Report**. (EIR) prepared for Valley Fair Shopping Center Expansion Project General Plan text amendment (File No. GP06-T-04) to increase the allowed building height on the site from 50 to 65 feet and Site Development Permit (File No. H06-027) to allow an approximately 650,000 gross square foot expansion of the existing Westfield Valley Fair Shopping Center to accommodate up to two new anchor stores and additional retail space, the demolition and reconstruction of two existing parking structures and three commercial buildings within the Cities of San José and Santa Clara, and access and circulation improvements (SCH # 2006052162). Council District: 6.

**Staff Recommendation:**

Planning staff recommends that the Planning Commission find that the Final EIR prepared for this project has been completed in compliance with and conforms to the requirements of CEQA and that the Final EIR reflects the City's independent judgment and analysis. The Planning Commission further directs staff to forward and present the certified Final EIR to the City Council for review and consideration.

- b. **PDC06-100**. Planned Development Rezoning from R-1-8 Single Family Residence Zoning District and A(PD) Planned Development Zoning Districts to A(PD) Planned Development Zoning District to allow relocation and rehabilitation of one historic single-family residence (Structure of Merit), two new single-family detached residences, and parking lot reconfiguration for the Central YMCA on a 4.18 gross acre site, located on a portion of block bounded by The Alameda, Emory Street, Naglee Avenue, and Morse Street; east side of Morse Street, approximately 150 feet northerly of Naglee Avenue (744 MORSE ST) (Metropolitan YMCA & LeBaron Family Trust, Owners; Mark De Mattei, Developer). Council District 6. SNI: None. CEQA: Mitigated Negative Declaration. Deferred from 4-11-07.

**Staff Recommendation:**

Consider the Mitigated Negative Declaration in accordance with CEQA. Recommend to the City Council approval of a Planned Development Rezoning from R-1-8 Single Family Residence Zoning District and A(PD) Planned Development Zoning Districts to A(PD) Planned Development Zoning District as recommended by Staff.



- c. [PDC06-070](#). Planned Development Rezoning from R-1-1 Residence Zoning District to A(PD) Planned Development Zoning District to allow six single-family detached residences on a 1.07 gross acre site, located on the east side of Almaden Expressway, approximately 200 feet north of Fleetwood Drive (16310 ALMADEN RD) (Rds Investments Chris Soukoulis, Owner/Developer). Council District 10. SNI: None. CEQA: Draft Mitigated Negative Declaration. Continued from 4-11-07.

**Staff Recommendation:**

Consider the Draft Mitigated Negative Declaration in accordance with CEQA. Recommend to the City Council approval of a Planned Development Rezoning from R-1-1 Residence Zoning District to A(PD) Planned Development Zoning District to allow six single-family detached residences on a 1.07 gross acre site as recommended by Staff.

- d. [PDC06-102](#). Planned Development Prezoning from Unincorporated to Planned Development Zoning District to allow up to 41 single-family detached residences on a 8.3 gross acres site., located at/on the southeast corner of Piercy Road and Tennant Avenue (715 PIERCY RD) (Terramac, Inc, Detrick Corporation, The Tawfik'S Trust, Sameha Tawfik, Trustee, Owner). Council District 2. SNI: None. CEQA: Mitigated Negative Declaration.

**Staff Recommendation:**

Consider the Mitigated Negative Declaration in accordance with CEQA. Recommend to the City Council approval of a Planned Development Prezoning from Unincorporated to Planned Development Zoning District to allow up to 41 single-family detached residences as recommended by Staff.

- e. [CP07-020](#). Conditional Use Permit to pave a driveway from Little Orchard Street to Almaden Expressway to allow a corporation yard with outdoor storage and truck circulation resulting in noise which exceeds Zoning Ordinance standards in the LI Light Industrial Zoning District, located at/on West side of Little Orchard Street, approximately 150 feet northerly of San Jose Avenue (1601 LITTLE ORCHARD ST)(Dsw Family Part, Owner; Stucco Supply Co Robert Amos, Developer). Council District 7. SNI: Washington. CEQA: Mitigated Negative Declaration. Deferred from 4-11-07.

**Staff Recommendation:**

Consider the Mitigated Negative Declaration in accordance with CEQA. Approve a Conditional Use Permit to pave a driveway from Little Orchard Street to Almaden Expressway to allow a corporation yard with outdoor storage and truck circulation resulting in noise which exceeds Zoning Ordinance standards in the LI Light Industrial Zoning District as recommended by Staff.

## **9. PETITIONS AND COMMUNICATIONS**

- a. Public comments to the Planning Commission on nonagendized items. Please fill out a speaker's card and give it to the technician. Each member of the public may address the Commission for up to three minutes. The commission cannot take any formal action without the item being properly noticed and placed on an agenda. In response to public comment, the Planning Commission is limited to the following options:
1. Responding to statements made or questions posed by members of the public; or

2. Requesting staff to report back on a matter at a subsequent meeting; or
3. Directing staff to place the item on a future agenda.

**10. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS OR OTHER AGENCIES**

**11. GOOD AND WELFARE**

- a. Report from City Council
- b. Commissioners' reports from Committees:
  - Norman Y. Mineta San Jose International Airport Noise Advisory Committee (Campos).
  - Coyote Valley Specific Plan (Platten)
  - Parks Funding Subcommittee (Zito)
- c. Review of synopsis
- d. Consider study session dates and/or topics
- e. Discussion of moving Planning Commission from 06-13-07 to (Monday) 06-11-07.

**12. ADJOURNMENT**

## 2007 PLANNING COMMISSION MEETING SCHEDULE

Date	Time	Type of Meeting	Location
January 31	6:30 p.m.	Regular Meeting	Council Chambers
Mon. February 12	6:30 p.m.	Regular Meeting	Council Chambers
February 28	6:30 p.m.	Regular Meeting	Council Chambers
March 14	5:00 p.m.	<i>Study Session</i>	T-332
		<i>Coyote Valley Specific Plan EIR</i>	
March 14	6:30 p.m.	General Plan & Regular Meeting	Council Chambers
March 28	5:00 p.m.	<i>Study Session</i>	T-332
		<i>Meeting Procedures and Commission Role</i>	
March 28	6:30 p.m.	General Plan & Regular Meeting	Council Chambers
April 11	5:00 p.m.	<i>Study Session</i>	T-332
		<i>Early Public Outreach for General Plan Update</i>	
April 11	6:30 p.m.	Regular Meeting	Council Chambers
April 25	5:00 p.m.	<i>Study Session</i>	T-332
		<i>Level of Service Policy</i>	
April 25	6:30 p.m.	General Plan & Regular Meeting	Council Chambers
May 2	5:00 p.m.	<i>Study Session</i>	T-1654
		<i>Review Capital Improvement Program</i>	
May 2	6:30 p.m.	General Plan & Regular Meeting	Council Chambers
May 16	6:30 p.m.	Regular Meeting	Council Chambers
May 30	5:00 p.m.	<i>Study Session</i>	T-332
		<i>Economic Development/Retail Strategy</i>	
May 30	6:30 p.m.	Regular Meeting	Council Chambers
June 13	6:30 p.m.	Regular Meeting	Council Chambers
June 27	5:00 p.m.	<i>Joint Study Session w/Parks Commission</i>	T-332
		<i>Riparian Corridor issues</i>	
June 27	6:30 p.m.	Regular Meeting	Council Chambers
July 18	6:30 p.m.	Regular Meeting	Council Chambers
August 8	6:30 p.m.	Regular Meeting	Council Chambers
August 22	6:30 p.m.	Regular Meeting	Council Chambers
September 12	6:30 p.m.	Regular Meeting	Council Chambers
September 26	6:30 p.m.	Regular Meeting	Council Chambers
October 10	6:30 p.m.	Regular Meeting	Council Chambers
October 24	6:30 p.m.	Regular Meeting	Council Chambers
November 7	6:30 p.m.	Regular Meeting	Council Chambers
November 14	6:30 p.m.	Regular Meeting	Council Chambers
November 28	6:30 p.m.	Regular Meeting	Council Chambers
December 5	6:30 p.m.	Regular Meeting	Council Chambers